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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,895	08/02/2001	Alison Joan Lennon	169.2140	4521
5514	7590	04/26/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			HWANG, JOON H	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/919,895

**Applicant(s)**

LENNON ET AL.

**Examiner**

Joon H. Hwang

**Art Unit**

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The applicants amended claims 1, 13, 15, 18-21, 24, 25, 29, 36, 37, 48, 49, 61, and 62 in the amendment received on 11/17/04.

The claims 1-62 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 19, 25, 37, 49, 61, and 62 have been considered but are moot in view of the new ground(s) of rejection.

The applicants added in claims 1, 19, 25, 37, 49, 61, and 62 the limitations of a return request in said predetermined request format to said metadata server for descriptions of multimedia contents. These limitations are addressed in the following rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 and 17-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Libert et al. (U.S. Patent No. 6,574,655) in view of Mukherjea et al. (U.S. Patent No. 6,415,282).

With respect to claim 1, Libert discloses a system for associatively managing distributed multimedia assets, wherein the system containing metadata collections, which can be queried, associated with the multimedia assets (abstract, fig. 6, and fig. 8). Libert teaches a metadata server associated with each content provider and operable as a description-generating process for communicating with a user agent, end-user application (description-receiving process, fig. 6, fig. 8, lines 13-33 in col. 2, lines 13-18 in col. 5, lines 15-67 in col. 11). Libert does not explicitly disclose the metadata server performs operations such as, interpreting a received request and formatting accessed information. However, Libert discloses a resource broker that represents a metadata server (fig. 6, fig. 8, lines 20-23 in col. 4, lines 6-9 in col. 5, and lines 43-49 in col. 10). Thus, the resource broker teaches the metadata server. Libert discloses the resource broker (the metadata server) receiving a request for descriptions from the user agent (the description-receiving process) in a predetermined request format (lines 7-10 in col. 3, lines 19-23 in col. 4, lines 52-63 in col. 5, line 46 in col. 6 thru line 3 in col. 7, and lines 14-16 in col. 13). Libert discloses the resource broker parsing and converting (teaching interpreting) the received request according to the predetermined request format (line 46 in col. 6 thru line 3 in col. 7 and lines 32-42 in col. 10). Libert discloses the resource broker accessing the information about multimedia assets in the metadata collection of content provider in response to the interpreted request (lines 15-67 in col. 11 and lines 1-17 in col. 12, and lines 14-63 in col. 13). Libert discloses the resource broker formatting the accessed information as a description according to a predetermined schema, the resulting description containing at least one link (line 47 in

col. 6 thru line 3 in col. 7, line 55 in col. 7 thru line 50 in col. 8, and lines 1-57 in col. 12). Libert discloses the resource broker sending the formatted description to the user agent (lines 14-16 in col. 13). Libert discloses the user agent or the end-user application accessible to and operable by a user, a customer (lines 13-44 in col. 2), and providing the user an interface to access description of multimedia assets generated from multiple metadata servers (lines 4-10 in col. 5 and fig. 2). Libert does not explicitly disclose a return request in the predetermined request format to the metadata server for descriptions. However, Mukherjea discloses a resulting description containing at least one link which represents a return request in a predetermined request format to a server for descriptions (i.e., a selection of a link/glyph would query to the server for descriptions of finals97 and bulls in fig. 5a, wherein the query of the selection/the link is in the same format as an original request, figs. 3-7, lines 11-20 in col. 1, lines 35-45 in col. 3, lines 18-65 in col. 5, and line 61 in col. 6 thru line 23 in col. 7) in order to provide a useful browsable organization of information. Therefore, based on Libert in view of Mukherjea, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Mukherjea to the system of Libert in order to provide a useful browsable organization of information.

With respect to claim 2, Libert discloses each metadata collection is stored in a corresponding database (fig. 6, fig. 8, and lines 11-24 in col. 5).

With respect to claim 3, Libert discloses each metadata collection is stored in structured or semi-structured files (fig. 6, fig. 8, and lines 25-39 in col. 11).

With respect to claim 4, Libert discloses the resource broker (metadata server) identified by a uniform resource identifier (line 55 in col. 7 thru line 50 in col. 8, and lines 30-38 in col. 9).

With respect to claim 5, Libert teaches the request to the resource broker (metadata server) is included in the uniform resource identifier identifying the resource broker (line 60 in col. 10 thru line 14 in col. 11).

With respect to claim 6, Libert discloses the descriptions are in XML (lines 32-42 in col. 10 and line 47 in col. 6 thru line 3 in col. 7).

With respect to claims 7 and 8, Libert discloses the predetermined scheme specifies the structure and syntax of a description by using the XML schema language (line 47 in col. 6 thru line 3 in col. 7).

With respect to claims 9-11, Libert discloses the link has a defined source and target, wherein the link source is an element containing the identity of the link target and the link target is represented using a uniform resource locator (line 55 in col. 7 thru line 50 in col. 8).

With respect to claim 12, Libert discloses the link target identifies the same metadata server (resource broker) that generated the link (line 55 in col. 7 thru line 50 in col. 8, line 47 in col. 6 thru line 3 in col. 7, and lines 1-17 in col. 12).

With respect to claim 17, Libert discloses an agent answers queries and recommendations about services provided by the other agents in the system to the agent community that includes the user agent (line 47 in col. 6 thru line 3 in col. 7 and line 51 in col. 8 thru line 5 in col. 9).

With respect to claim 18, Libert discloses the resource broker is built by a developer from a resource broker toolkit concerning the metadata server is constructed from a common customizable module and native APIs allowing developers and vendors to integrate their product with the system concerning the module being customized for association with a content provider by an interpreter for translation of a request (line 66 in col. 4 thru line 24 in col. 5 and lines 28-45 in col. 16).

The limitations of claims 19, 61, and 62 are rejected in the analysis of claim 1 above, and these claims are rejected on that basis.

The limitations of claim 20 are rejected in the analysis of claim 13 above, and the claim is rejected on that basis.

With respect to claim 21, Libert teaches a user interface configured for presenting the translated description (metadata) to the user and a login module by which the user may access, for consideration provided to the content provider (search result), at least one multimedia item from the presented description (lines 6-56 in col. 9 and lines 28-45 in col.16).

The limitations of claim 22 are rejected in the analysis of claim 6 above, and the claim is rejected on that basis.

With respect to claim 23, Libert teaches the user interface arranged to reproduce a part of multimedia item (lines 35-44 in col. 2, lines 46-56 in col. 9, lines 43-59 in col. 10, lines 32-57 in col. 12, and lines 28-45 in col. 16).

With respect to claim 24, Libert discloses thumbnail multimedia images (lines 25-29 in col. 2).

The limitations of claims 25-36 are rejected in the analysis of claims 1-12 above, and these claims are rejected on that basis.

The limitations of claims 37-48 are rejected in the analysis of claims 1-12 above, and these claims are rejected on that basis.

The limitations of claims 49-60 are rejected in the analysis of claims 1-12 above, and these claims are rejected on that basis.

5. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Libert et al. (U.S. Patent No. 6,574,655) in view of Mukherjea et al. (U.S. Patent No. 6,415,282), and further in view of Ferguson et al. (U.S. Patent No. 5,819,092).

With respect to claims 13-16, Libert and Mukherjea disclose the claimed subject matter as discussed above except monitoring a number of requests made to a metadata server. However, Ferguson discloses a metering tool that monitors a number of requests made to a server and a fee setter that invoices the corresponding content provider for the number of requests (lines 15-23 in col. 12, lines 30-39 and 50-54 in col. 18, line 43 in col. 37 thru line 14 in col. 38, lines 27-59 in col. 30, and line 32-59 in col. 31). Ferguson discloses automatically levying and paying fees according to the fee setter instructions (lines 35-44 in col. 29). Ferguson discloses a charge identification code for the content provider (lines 32-45 in col. 35 and lines 14-63 in col. 36), which is accessed for fee computations. Ferguson discloses the metering tool and the fee setter are programs that provide particular types of functionality to the online service (abstract). Therefore, based on Libert in view of Mukherjea, and further in view of



Ferguson, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the programs of Ferguson, such as the metering tool and the fee setter, to the system of Libert in order to install such functionalities provided by the programs for sales and marketing purpose.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chasen et al. (U.S. Patent No. 6,760,721) discloses a management of metadata.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 571-272-4036. The examiner can normally be reached on 9:30-6:00(M~F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joon Hwang  
Patent Examiner  
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4/19/05

  
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PRIMARY EXAMINER